

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**ENTERED**

May 13, 2024

Nathan Ochsner, Clerk

LAWRENCE SINCLAIR

§

VS.

§

§ CIVIL ACTION NO. 5:23-CV-109

§

BRIAN MARK KRASSENSTEIN, *et al.*

§

**ORDER**

Pending before the Court is Defendants' motion to dismiss for lack of subject matter jurisdiction (Dkt. No. 20). Defendants alleged that Plaintiff is domiciled in Mexico, meaning there is no diversity of citizenship between the parties (*id.* at 1). *See Coury v. Prot*, 85 F.3d 244, 249–50 (5th Cir. 1996) (“[A] diversity suit may not be maintained under 28 U.S.C. § 1332(a)(1) by or against a United States citizen who is domiciled in a foreign country. . .”). Plaintiff has opposed the motion, alleging that he is a Texas citizen (Dkt. No. 22 at 5). Because courts have an “independent obligation to determine whether subject-matter jurisdiction exists,” the Court referred the matter to the Magistrate Judge for a Report and Recommendation on whether Plaintiff is domiciled in Texas (Dkt. No. 44). *See Rivero v. Fid. Invs., Inc.*, 1 F.4th 340, 344 (5th Cir. 2021) (citations omitted).

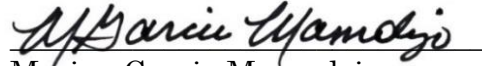
The Magistrate Judge held an evidentiary hearing on March 25, 2024, and entered a Report and Recommendation on April 8, 2024, recommending that the Court find Plaintiff to be domiciled in Texas (Dkt. No. 56 at 1). No party filed objections to the Report within the 14-day window for objections. *See Fed. R. Civ. P. 72(b)(2)* (providing for 14-day objection period). The Court thus reviews the Report for clear error. *See Fed. R. Civ. P. 72(b); Hack v. Wright*, 396 F. Supp. 3d 720, 730 (S.D. Tex. 2019).

Having reviewed the Report and found no clear error, the Court hereby **ADOPTS** the Report **IN WHOLE** (Dkt. No. 56) as the findings and conclusions of the Court.

Accordingly, because there is diversity of citizenship between the parties and the amount in controversy alleged exceeds \$75,000 (*see* Dkt. Nos. 56 at 1, 1 at 11), the Court has subject matter jurisdiction here. *See* 28 U.S.C. § 1332(a)(1). Defendants' motion to dismiss for lack of subject matter jurisdiction is therefore **DENIED**.

It is so **ORDERED**.

**SIGNED** May 13, 2024.

  
Marina Garcia Marmolejo  
United States District Judge